

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, December 21, 2005, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, December 7, 2005 Worksessions.

Action: Approved, (WMH/AMC, 4-0).

2. **A-6049, Appeal of Barry and Laurie Stien** (Department of Permitting Services (DPS) – Notice of Violation). Letter to the Board from the appellant requesting a refund of the filing fee.

Action: Granted 100% (\$200.00) refund of the filing fee, (WMH/CLH, 4-0).

3. **A-6101, Petition David T. Isaacs and Penny L. Bisk** (one-story addition). Letter to the Board from Stephen J. Vanze, AIA, correcting the hearing record. (Large exhibit: site plan).

Action: Re-opened the record to include Mr. Vanze's letter, (AMC/WMH, 4-0).

4. **CBA-2460 [S-7, S-296, S2078], Petition of Potomac Animal Hospital** (animal boarding facility and veterinary hospital). Letter to the Board from Jody S. Kline requesting an administrative modification. (Large exhibit: site development plan).

Action: Granted the administrative modification, (WMH/CLH, 4-0).

5. **S-610-A [S-610, S-610-B] Petition of McDonald's Corporation** (drive-in restaurant). Letter of update to the Board from Erica A. Leatham, Esquire. (Large exhibits: site layout plan, site details plan, landscape plan, lamination plan).

Action: Re-opened the record to include the letter with attachments from Ms. Leatham, (WMC/WMH, 4-0).

6. **S-896, Petition of Potomac Edison Company** (electrical substation). Letter to the Board from James R. Haney, Vice President requesting an administrative modification. (Large exhibits: site plans (3) and aerial photograph).

Action: Granted administrative modification, (WMH/CLH, 4-0).

7. **S-918, Petition of Kesuith and Fay E. Smith** (child day care facility). Letters to the Board from the petitioner of proposed new construction on the special exception site. (Large exhibit: site plan).

Action: Re-opened the record to include the letters from the petitioner with attachments, (AMC/WMH, 4-0).

8. **S-2162, Petition of Fatema Huq** (accessory apartment). Letter to the Board from Prakash C. Hemnani requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (CLH/AMC, 4-0).

9. **S-2459 and S-2460, Petition of Grace House, Inc.** (elderly housing and assisted living facility). Letter of complaint to the Board from Sarah Pinocci.

Action: (1) Re-opened the record to include the letter from Ms. Pinocci; (2) requested DPS inspection of the special exception, (AMC/CLH, 4-0).

10. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter of complaint to the Board from Joan Stern, Maryland House of Delegates.

Action: Requested DPS inspection of the special exception, (CLH/AMC, 4-0).

11. **S-2609, Petition of Robert A. Pumphrey Funeral Homes, Inc.** (funeral parlor or undertaking establishment). Letter to the Board from Jody S. Kline withdrawing the special exception and requesting a refund of the filing fee.

Action: Refunded 100% (\$6,000.00) refund of the filing fee, (AMC/WMH, 4-0).

12. **H.E. -99-2, Petition of Gate of Heaven Cemetery.** (Letter to the Board from Elsie L. Reid, Esquire, requesting an administrative modification.

Action: Deferred action on administrative modification request until Show Cause Hearing, (CLH/AMC, 4-0).

### **DECISION ITEMS:**

13. **A-6099, Appeal of Norman G. Knopf and A-6100, Appeal of Peter Jeliaskov** (Department of Permitting Services – Issuance of Building Permit No. 382301). Memorandum from Francoise M. Carrier, Director, Office of Zoning and Administrative Hearings notifying the Board the administrative appeals have been withdrawn

Action: Dismissed administrative appeals as withdrawn, (CLH/AMC, 4-0).

14. **S-1703-A, Petition of John T. Poulos** (landscape contractor). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (AMC/CLH, 4-0).

15. **S-2070-A, Petition of Johnson Family Enterprises, LLC** (retail/wholesale horticultural nursery and garden center). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (AMC/CLH, 4-0).

16. **S-2648, Petition of Metropolitan Washington Orthodox Seniors Housing, Inc.** (housing and related facilities for senior adults or persons with disabilities). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (WMH/AMC, 4-0).

17. **S-2654, Petition of Lamont and Traci Hoffman** (equestrian facility). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (AMC/WMH, 4-0).

#### **PENDING ITEMS:**

18. **CBA-123 [S-462, S-1353], Petition of Sondra J. Littlejohn** (home occupation). Inspection report to the Board from Stanley N. Garber, Investigator, Department of Permitting Services (DPS). Re-opened the record to include Mr. Garber's memorandum. [W/S 10-20-04].

19. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

20. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5-4-05].

21. **CBA-2115, Petition of Dr. Elliott Shapiro** (non-resident medical practitioner). Letter to the Board from the petitioner requesting a transfer of the special exception. Item deferred for revised site plan from petitioner. [W/S 11-2-05].

22. **CBA-2377, Petition of Concord Joint Venture** (off-street parking in connection with an office building). Letter to the Board from Robert H. Metz, Esquire, requesting a transfer of the special exception. Item deferred for site plan review by M-NCPPC Technical Staff. [W/S 12/7/05].

23. **S-289-B, Petition Little Falls Swim and Tennis Club** (community swimming pool). Supplemental Hearing Examiner's Report and Recommendation. Also included is an Inspection Report from Tom Ogle, Noise Program Manager, Department of Environmental Protection (DEP). (1) Re-opened the record to include the Hearing Examiner's Supplemental Report and Mr. Ogle's Inspection Report; (2) granted extension of time until 10/8/05 for lighting and photometric plans. [W/S 9/14/05].

**PENDING ITEMS (continued):**

24. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. W/S 2-18-04].

25. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7-13-05].

26. **S-1437, Petition of John D. Hyman** (wholesale nursery and landscape contractor). Letter to the Board from Timothy Dugan, Esquire. Granted extension to resolve Notice of Violation until 4/1/05. [W/S 1/5/05].

27. **S-1835, Petition of Patricia Haseman and Richard Mason** (private riding stable). Letter from Christine Reilly Lombardo notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for future Worksession for staff to contact Mr. Lombardo. [W/S 7/27/05].

28. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan. [W/S 11/12/03].

29. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

30. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12-7/05].

31. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). Item deferred for additional information. [W/S 12/7/05].

32. **S-2629, Petition of Alan and Susan Dechter LLC** (non-resident medical practitioner). Request from the petitioners for remand to the Hearing Examiner. Request to be considered after issuance of the Board's Opinion. [W/S 12/7/05].

**Board Members**

Allison Ishihara Fultz, Chair - ABSENT  
Donna L. Barron, Vice Chair  
Angelo M. Caputo  
Wendell M. Holloway  
Caryn L. Hines

**Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist - ABSENT

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**WORKSESSION ADDENDUM MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, December 21, 2005 9:30 a.m.**

**ACTION ITEM:**

1. **Case No. S-2504, Petition of Sunrise Development, Inc.** (housing and related facilities for the elderly). Letter to the Board from Timothy Dugan, Esquire, regarding revisions to the special exception forest conservation plan. (Large exhibits: approved forest conservation plans and revised forest conservation plans).

Action: (1) Re-opened the record to include Mr. Dugan's letter with attachments; (2) granted the modification of the special exception to reflect the revised plans, subject to final approval by M-NCCPC, (WMH/CLH, 4-0).

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